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January 29, 2024

Via ECF

The Honorable Katharine H. Parker
 United States Magistrate Judge
 United States Courthouse, Courtroom 17-1
 500 Pearl Street
 New York, NY 10007

Application granted. The Initial Case Management Conference previously scheduled for February 5, 2024 at 2:00 p.m. is **adjourned** and will be rescheduled if and when Defendants Igor Apelboom and Benzinga make an appearance. Plaintiff shall provide an update to this Court no later than **Monday, July 22, 2024**, as to his efforts to serve Mr. Apelboom.

Re: *FingerMotion, Inc. v. Capybara Research, et al.*,
 Case No. 1:23-cv-9212; Initial Case Management Conference C

SO ORDERED:

Katharine H. Parker
 HON. KATHARINE H. PARKER
 UNITED STATES MAGISTRATE JUDGE 1/30/2024

Dear Magistrate Judge Parker:

We write on behalf of plaintiff FingerMotion, Inc. (“Plaintiff”) in the above-referenced matter regarding the Court’s Initial Case Management Conference Order, dated December 4, 2023 (ECF 24) (hereinafter, the “Order”). In the Order, the Court scheduled the Initial Case Management Conference for February 5, 2024 and directed the parties to (i) confer at least 21 days before that date to discuss the matters set forth in Rule 26(f) of the Federal Rules of Civil Procedure, (ii) comply with their Rule 26(f) initial disclosure obligations no later than 14 days after the parties’ Rule 26(f) conference, and (iii) complete the Report of Rule 26(f) Meeting and Proposed Case Management Plan and file it on ECF by January 29, 2024.

Plaintiff submits this letter to advise the Court that the circumstances in this case have rendered compliance with the Order impracticable at this juncture. As of the date hereof, Defendant Capybara Research—the only defendant who has been served—is in default, *see* Clerk’s Certificate of Default (ECF 27), and Plaintiff’s Motion for Default Judgment against defendant Capybara Research is still pending before the Court. *See* ECF 28. Pursuant to the Court’s Order on Plaintiff’s *Ex Parte* Motion to Amend the Case Caption, For Permission to File An Amended Complaint and For Permission to Serve Foreign Defendant via Electronic Mail (*see* ECF 33), Plaintiff is in the process of serving defendant Igor Appelboom through Brazil’s Central Authority, and anticipates that such service could take at least nine months. As for defendant Accretive Capital LLC d/b/a Benzinga (“Benzinga”), Plaintiff is awaiting the issuance of the summons from the Court (*see* ECF 35), after which Plaintiff will serve Benzinga. As such, no defendant has entered an appearance as of the date hereof.

In light of the foregoing, Plaintiff respectfully requests that the Court adjourn the Initial Case Management Conference until a later date as the Court may direct.

We thank the Court for its attention to this matter.

Magistrate Judge Katharine H. Parker
FingerMotion, Inc. v. Capybara Research, et al.
Case No. 1:23-cv-9212
January 29, 2024
Page 2 of 2

Respectfully Submitted,

THE BASILE LAW FIRM P.C.

/s/ Waleed Amer

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